

West Virginia Board of Medicine Quarterly Newsletter

PROFESSIONALISM

Deborah Lewis Rodecker

What is professionalism? Because I've spent quite a few hours over the years in my role as medical board attorney proving charges of unethical, unprofessional, dishonorable conduct, now I'd like to take a different tack. I'm able to provide examples of what the West Virginia Board of Medicine has determined to be unethical, dishonorable and unprofessional (one is asking a bare breasted patient out on a date while giving a physical exam, another is pulling a nurse down a hall and loudly screaming and pounding the surgical schedule board: disruptive behavior). So can anyone who has had the privilege of being connected with a medical board. But what about being professional, honorable and ethical? What does that mean for professionals in general, (the three learned professions are medicine, theology and law) and for physicians?

The American Medical Association Code of Ethics is the authority on the subject of medical ethics, established by the organized medical profession. The AMA Code of Ethics defines "ethical" as referring to matters involving (1) moral principles or practices and (2) matters of social policy involving issues of morality in the practice of medicine. "Professionalism" is not defined, but the views of the AMA on ethics have been spelled out carefully and comprehensively. The Rules of Professional Conduct for attorneys in West Virginia specify that attorneys should be competent, prompt, and diligent. Too, the Rules mention that attorneys are guided by "personal conscience and the approbation of professional peers." These factors are surely part of professionalism generally.

In the 1982 edition of the American Heritage Dictionary, "ethical" is defined as in accordance with the accepted principles of right and wrong that govern the conduct of a profession. "Professional" is defined as relating to, engaged in, or suitable for a profession. Well, what is suitable for a profession? In addition to the limited guidance already provided as to the meaning of professionalism, the following principles apply. Obviously, being professional means being honest and ethical, and taking responsibility for one's actions, acknowledging errors. It means not being arrogant or rude, not sharing confidences, being willing to listen, and having respect for and making an effort to understand other people, even though it may not always be easy or possible. Being professional means not misusing our position to take advantage of others, and keeping up on developments in our particular area of practice, trying to do our best, even in trying situations, whether or not we feel well. It means having courage, and asking for help when we need it. Being a professional means people expect more from us, even though we are human, like everyone else. This fact shouldn't discourage us, it should inspire us. The more we work at being professional, the more

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we become professional. We have much for which to be grateful, not the least of which is that we are in a position to help people, a gift. I hope that's why we joined the distinguished professions of which we're a part.

It may seem as though the guiding principles of professionalism are obvious, and no doubt you could add some of your own to form a lengthy list, but it is remarkable how often simple principles of professionalism are forgotten, resulting in trouble for the professional which never should have occurred. I've come to the conclusion that none of us can be reminded too often about professionalism, what it means, and that people asking for our assistance expect professionalism from us.

LICENSURE RENEWALS UPDATE

On June 30, 2003, 97 medical doctors and 4 podiatrists were notified that their licenses were suspended for failure to notify the Board that required continuing medical/podiatric education had been obtained. Many of the suspensions occurred because of a failure of the practitioner to notify the Board of a change of address. We are unable to find you if you don't let us know where you have gone!

BOARD WELCOMES NEW PROSECUTOR

John A.W. Lohmann has joined the West Virginia Board of Medicine as its Prosecutor and Complaint Committee Counsel. He comes to us from the Legal Services Division of the West Virginia Bureau of Employment Programs. Prior to that, he worked for OHIC Insurance Company in Columbus, Ohio, and law firms in Charleston and Elkins. He is a graduate of Ashland University in Ashland, Ohio, with a Master of Business Administration, and earned his Juris Doctor at the College of William & Mary in Williamsburg, Virginia. He has a Bachelor of Philosophy from Miami University in Oxford, Ohio.

We welcome John to the West Virginia Board of Medicine staff.

West Virginia Board of Medicine Board Members

Angelo N. Georges, M.D., President
Wheeling

Catherine Slem, M.D., M.P.H., Secretary
Charleston

Rev. Richard Bowyer
Fairmont

Ms. Doris M. Griffin
Martinsburg

J. David Lynch, Jr., M.D.
Morgantown

Leonard Simmons, D.P.M.
Fairmont

John A. Wade, Jr., M.D.
Point Pleasant

Carmen R. Rexrode, M.D., Vice President
Moorefield

R. Curtis Arnold, D.P.M.
South Charleston

Ahmed D. Faheem, M.D.
Beckley

M. Khalid Hasan, M.D.
Beckley

Vettivelu Maheswaran, M.D.
Charles Town

Lee Elliott Smith, M.D.
Princeton

Kenneth Dean Wright, P.A.-C.
Huntington

Board Staff Profile

Executive Director Ronald D. Walton

For twenty years, Ronald Walton has been the Executive Director of the West Virginia Board of Medicine. In fact, he was among those recognized recently by Governor Wise for his lengthy time of service with State Government. In his position as Executive Director of the Board of Medicine, Mr. Walton has many responsibilities, including supervising a staff of eleven full-time employees and also some temporary employees at renewal time. In addition to coordinating license renewal and complaint procedures, he has the responsibility of liaison between the Board and public and private organizations, and in addition to being called on frequently for public speaking about the Board's functions, he is the spokesperson for the Board, and his duties include as well carrying out the many decisions made by the Board at its six meetings each year, all relating to licensing and disciplining of physicians, podiatrists, and physician assistants in West Virginia.

Mr. Walton's background prior to becoming the Board's Executive Director includes being Dean of Student Affairs at the West Virginia Institute of Technology in Montgomery from 1978 until he joined the Board of Medicine in October, 1983, and he was Associate Dean of Students from 1974 through 1977. For two and a half years, beginning in 1972, he was the Assistant Director of the Upward Bound Project and Special Services. For three years, he served as a therapist on a part-time basis for the Evening Substance Abuse Program at Shawnee Hills Community Health Center in Charleston.

Mr. Walton received his B.S. in 1970 from the West Virginia Institute of Technology, and his major was Music Education. An M.A. followed from the West Virginia College of Graduate Studies in Institute, West Virginia, where he majored in Guidance and Counseling/Student Personnel.

In April, 2003, Mr. Walton was honored as a Certified Medical Board Executive by the Federation of State Medical Boards of the United States, Inc., at its Annual Meeting, after he fulfilled the requirements of the Medical Board Senior Executive Certification Program of the Federation. The certification recognizes medical board executives for experience, continued education, service and achievements in the medical regulatory arena.

Mr. Walton has many years of experience as a tenor soloist, vocal music teacher, and church choir director in Charleston area churches. Currently, Mr. Walton serves as Director of Music for the Cross Lanes United Methodist Church in Cross Lanes.

Ext #	Staff of the West Virginia Board of Medicine (304) 558-2921	
227	Ronald D. Walton, M.A.	Executive Director
214	Deborah Lewis Rodecker, J.D.	Counsel
215	John A. W. Lohmann, J.D., M.B.A.	Prosecutor/Complaint Committee Counsel
212	M. Ellen Briggs	Administrative Assistant to the Executive Director
222	Leslie A. Higginbotham	Paralegal and Investigator
216	Lynn Hill	Information Systems Coordinator
210	Charlotte A. Jewell	Receptionist/Physician Assistant Coordinator
221	Crystal Lowe	Licensure Analyst
224	Sheree Melin	Verification Coordinator
211	Janie Pote	Administrative Assistant to Legal Department
220	Deb Scott	Fiscal Officer
213	Teri Wolfe	Complaints Coordinator



BOARD ACTIONS

April 2003 - June 2003



BURKE, PAUL W., JR., M.D. – Parkersburg, WV (05/23/03)

WV License No. 13039

Board Conclusion: Been or is unable to practice medicine with reasonable skill and safety to patients by reason of excessive use of alcohol.

Board Action: By SECOND AMENDED CONSENT ORDER dated May 23, 2003, Dr. Burke's May, 2001, CONSENT ORDER and June, 2002, AMENDED CONSENT ORDER were amended.

CADWALLADER, JAMES C., M.D. – Racine, WI (04/01/03)

WV License No. 21159

Board Conclusion: Relating to a physical impairment.

Board Action: Dr. Cadwallader was granted a West Virginia medical license effective April 4, 2003, subject to the following limitation and restriction: Dr. Cadwallader shall engage in an office based practice only in the State of West Virginia.

CODDINGTON, ROBERT DEAN, M.D. – St. Clairsville, OH (06/24/03)

WV License No. 14354

Board Conclusion: Relating to action upon a license to practice medicine in another State.

Board Action: License SURRENDERED effective July 1, 2003, and Dr. Coddington agrees not to apply for a medical license in West Virginia at any time in the future, and understands that if he does so, his request for medical licensure will be denied.

CURTIN, WILLIAM JAMES, M.D. – South Williamson, KY (06/18/03)

WV License No. 18918

Board Conclusion: Relating to dishonorable, unethical, or unprofessional conduct.

Board Action: PUBLICLY REPRIMANDED for inappropriate notations of a personal nature in a patient chart. For a period of two (2) years, the medical practice of Dr. Curtin shall occur only with the supervision of a duly licensed physician approved by the Board, with whom Dr. Curtin shall meet at least once every thirty (30) days and which approved supervising physician shall file written reports with the Board concerning Dr. Curtin's performance as a physician every sixty (60) days, except should the performance of Dr. Curtin at any time fall below the level of reasonable skill and safety, the supervising physician shall immediately notify the Board.

GORDINHO, J. JORGE, M.D. – Low Moor, VA (06/12/03)

WV License No. 16005

Board Conclusion: Relating to making a false statement on his license renewal form and relating to violating a law or rule of the Board.

Board Action: PUBLICLY REPRIMANDED for making an inaccurate statement on his license renewal form for the period July 1, 2000, to June 30, 2002.

HUNTER, EDWARD BOYD, JR., M.D. – Bluefield, WV (06/30/03)

WV License No. 19844

Board Conclusion: Relating to engaging in dishonorable, unethical, and unprofessional conduct, including failure to conform to the standards of acceptable and prevailing medical practice; relating to being found guilty of a crime; and relating to failure to perform a legal obligation.

Board Action: License SUSPENDED, effective June 15, 2003; the suspension was STAYED pursuant to a period of PROBATION for two (2) years, under conditions.

ISKANDER, HANY MAURICE, M.D. – Proctorville, OH (04/01/03)

WV License No. 20212

Board Conclusion: Relating to having a license in another state subjected to discipline and violating a law or rule of the Board.

Board Action: License SUSPENDED indefinitely for sixty (60) days, after which time Dr. Iskander may petition the Board for STAY of the SUSPENSION.

LOPEZ, CARMELO J., II, M.D. – Scott Depot, WV (04/14/03)

WV License No. 11742

Board Conclusion: Relating to inability to practice medicine with reasonable skill and safety due to impairment.

Board Action: License converted to INACTIVE status and issued a PUBLIC REPRIMAND for his false answer on his licensure renewal form submitted to the Board in June, 2002.

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NICOL, ANNE FRANCIS, M.D. – Woonsocket, RI (06/30/03)

WV License No. 19866

Board Conclusion: Relating to having a license to practice medicine acted upon by another State, and the failure to practice medicine with that level of care, skill and treatment recognized by a reasonable and prudent physician in the same or similar specialty under similar conditions and circumstances.

Board Action: Dr. Nicol shall comply with all of the terms and conditions of the Consent Order ratified by the Rhode Island Board of Medical Licensure and Discipline on June 12, 2002, limiting Dr. Nicol's practice of medicine and surgery. Dr. Nicol is PUBLICLY REPRIMANDED for failing to meet the minimal standards of acceptable practice as found in the aforementioned Consent Order.

ORTENZIO, LOUIS F., JR., M.D. – Clarksburg, WV (04/14/03)

WV License No. 12327

Board Conclusion: Relating to deceptive representations and false reporting.

Board Action: PUBLICLY REPRIMANDED for inaccurate and inappropriate billings to Workers' Compensation and within six months from the date of the Consent Order, he is to successfully complete a Board-approved course in coding and billing and a course in medical ethics, the successful completion of both of which courses shall be documented to the Board in writing.

RAMADAN, MOHAMED SHAHER, M.D. – Princeton, WV (06/25/03)

WV License No. 14110

Board Conclusion: Relating to the inability to practice medicine and surgery with reasonable skill and safety due to physical or mental impairment.

Board Action: License SURRENDERED effective June 30, 2003.

REICHLE, FREDERICK A., M.D. – Philadelphia, PA (04/08/03)

WV License No. 16390

Board Conclusion: Relating to unprofessional conduct.

Board Action: PUBLIC REPRIMAND for the civil Settlement Agreement that he signed in August, 2001.

SRICHAJ, PRAKOB, M.D. – Man, WV (04/04/03)

WV License No. 12211

Board Conclusion: Failing to keep written records justifying the course of treatment of a patient.

Board Action: License SURRENDERED effective May 1, 2003, and Dr. Srichai agrees not to apply for a medical license in West Virginia at any time in the future, and understands that if he does so, his request for medical licensure will be denied.

VAGLEY, RICHARD THOMAS, M.D. – Pittsburgh, PA (04/08/03)

WV License No. 15867

Board Conclusion: Relating to presenting a false statement in connection with an application for a license.

Board Action: Dr. Vagley was granted ACTIVE status for his inactive license to practice medicine and surgery in the State of West Virginia, effective April 5, 2003, and he was PUBLICLY REPRIMANDED for providing inaccurate information to the Board on his licensure application submitted to the Board in September, 2002.

VALENCIA, JOSE GILBERTO GOMEZ, M.D. – Hudson, FL (04/10/03)

WV License No. 11313

Board Conclusion: Relating to having a license acted against in another jurisdiction, and unprofessional, unethical, and dishonorable conduct.

Board Action: As Dr. Valencia has no plans to practice medicine in West Virginia, the inactive license to practice medicine and surgery in the State of West Virginia of Dr. Valencia shall remain in an INACTIVE status. Dr. Valencia shall document to the Board his compliance with the requirements of the State Florida Board of Medicine pertaining to continuing medical education. Dr. Valencia shall pay administrative costs of \$500 to the West Virginia Board of Medicine.

LICENSE SURRENDERED

CHANDRASEKHAR, SUBRAMANIYAM, M.D. – Parkersburg, WV

WV License No. 20461

Board Action: Medical license surrendered to the Board effective April 3, 2003.

NEWSLETTER

The Board's newsletter will no longer be available via e-mail. However, the newsletter will continue to be available through the Board's web site, www.wvdhhr.org/wvbom.



CHANGE OF ADDRESS FORM

WV License No: _____

Date of Change: _____

Name of Licensee: _____

PLEASE CHECK ONLY ONE PREFERRED MAILING ADDRESS:

(The preferred mailing address is the licensee's address of record, which is public information.)

(Note that telephone numbers are not considered public information.)

() Principal Office or Work Location *ONLY CHECK ONE* () Home Address

Telephone: _____

Telephone: _____

Signature: _____

Date: _____

Original Signature of Licensee is Required



Mail completed form(s) to:

West Virginia Board of Medicine
101 Dee Drive, Suite 103 • Charleston, WV 25311

Fax copies not accepted.

By law, you must keep this office apprised of any and all address changes.

DID YOU KNOW?

The West Virginia Board of Medicine staff receives telephone calls on a regular basis from patients who are having difficulty obtaining copies of their medical records from physicians. The full text of the West Virginia law “Health Care Records” is printed below.

§ 16-29-1. Copies of health care records to be furnished to patients.

Any licensed, certified or registered health care provider so licensed, certified or registered under the laws of this state shall, upon the written request of a patient, his authorized agent or authorized representative, within a reasonable time, furnish a copy, as requested, of all or a portion of the patient’s record to the patient, his authorized agent or authorized representative subject to the following exceptions:

(a) In the case of a patient receiving treatment for psychiatric or psychological problems, a summary of the record shall be made available to the patient, his authorized agent or authorized representative following termination of the treatment program.

(b) Nothing in the article shall be construed to require a health care provider responsible for diagnosis, treatment or administering health care services in the case of minors for birth control, prenatal care, drug rehabilitation or related services or venereal disease according to any provision of this code, to release patient records of such diagnosis, treatment or provision of health care as aforesaid to a parent or guardian, without prior written consent therefor from the patient, nor shall anything in this article be construed to apply to persons regulated under the provisions of chapter eighteen [§ 18-1-1 et seq.] of this code or the rules and regulations established thereunder.

(c) The furnishing of a copy, as requested, of the reports of X-ray examinations, electrocardiograms and other diagnostic procedures shall be deemed to comply with the provisions of this article: Provided, That original radiological study film from a radiological exam conducted pursuant to a request from a patient or patient’s representative shall be provided to the patient or patient’s representative upon written request and payment for the exam. The health care provider shall not be required to interpret or retain copies of the film and shall be immune from liability resulting from any action relating to the absence of the original radiological film from the patient’s record.

(d) This article shall not apply to records subpoenaed or otherwise requested through court process.

(e) The provisions of this article may be enforced by a patient, authorized agent or authorized representative, and any health care provider found to be in violation of this article shall pay any attorney fees and costs, including court costs incurred in the course of such enforcement.

(f) Nothing in this article shall be construed to apply to health care records maintained by health care providers governed by the AIDS-related medical testing and records confidentiality act under the provisions of article three-c [§ 16-3C-1 et seq.] of this chapter.

§16-29-2. Reasonable expenses to be reimbursed.

(a) The provider shall be reimbursed by the person requesting in writing a copy of the records at the time of delivery for all reasonable expenses incurred in complying with this article: Provided, That the cost may not exceed seventy-five cents per page for the copying of any record or records which have already been reduced to written form and a search fee may not exceed ten dollars.

(b) Notwithstanding the provisions of subsection (a) of this section, a provider shall not impose a charge on an indigent person or his or her authorized representative if the medical records are necessary for the purpose of supporting a claim or appeal under any provisions of the Social Security Act, 42 U.S.C. § 301 et seq.

(c) For purposes of this section, a person is considered indigent if he or she:

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(1) Is represented by an organization or affiliated pro bono program that provides legal assistance to indigents; or

(2) Verifies on a medical records request and release form that the records are requested for purposes of supporting a social security claim or appeal and submits with the release form reasonable proof that the person is financially unable to pay full copying charges by reason of unemployment, disability, income below the federal poverty level, or receipt of state or federal income assistance.

(d) Any person requesting free copies of written medical records pursuant to the provisions of subsection (b) of this section is limited to one set of copies per provider. Any additional requests for the same records from the same provider shall be subject to the fee provisions of subsection (a).

REMINDER
TOLL FREE NUMBER FOR CONSUMER COMPLAINTS

The Board has a toll free number for callers within West Virginia who have consumer complaints against an M.D., D.P.M., or P.A.-C. The toll free number is (877)867-6411. For all matters other than complaints, the Board's main number, (304)558-2921, must be used.

WEST VIRGINIA BOARD OF MEDICINE
2003 MEETINGS
July 14
September 8
November 10

WV Board of Medicine



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Charleston, WV 25311

Phone: 304-558-2921
Fax: 304-558-2084

www.wvdhhr.org/wvbom
Our website is under construction.
Watch for updates and changes.

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